

1 **SECTION 54.** 30.11 (5) (title) of the statutes is repealed.

2 **SECTION 55.** 30.11 (5) (a) of the statutes is renumbered 30.343 (1) and amended
3 to read:

4 **30.343 (1)** Prior to the execution of any lease by the board of commissioners of
5 public lands concerning rights to submerged lands or rights to fill in submerged
6 lands held in trust for the public under s. 24.39, the department shall determine
7 whether the proposed physical changes in the area as a result of the execution of the
8 lease are consistent with the public interest. Thirty days before making its
9 determination, the department shall notify, in writing, ~~the clerk of the county and~~
10 ~~clerk of the city, village or town in which the changes are proposed~~ each
11 representative of a local governmental unit required to receive notice under s. 30.04
12 (3) and the U.S. Army Corps of Engineers of the application for the lease. In making
13 its finding, the department shall give consideration to all reports submitted to it. The
14 department shall not approve a lease applied for under s. 24.39 (4) (a) 2. if the
15 department determines that the lease may threaten excessive destruction of wildlife
16 habitat.

17 **SECTION 56.** 30.11 (5) (b) and (c) of the statutes are renumbered 30.343 (2) and
18 (3).

19 **SECTION 57.** 30.11 (6) of the statutes is renumbered 30.321 (5).

20 **SECTION 58.** 30.12 (title) of the statutes is amended to read:

21 **30.12 (title) Structures Regulation of structures and deposits in**
22 **navigable waters prohibited; exceptions; penalty.**

23 **SECTION 59.** 30.12 (1) (intro.) of the statutes is amended to read:

24 **30.12 (1) ~~GENERAL PROHIBITION~~ PERMIT REQUIRED.** (intro.) ~~Except as provided~~
25 ~~under subs. (4) and (4m), unless~~ Unless a permit has been granted by the department

~~pursuant to statute or issued under this section or authorization has been granted~~
~~by the legislature has otherwise authorized structures or deposits in navigable~~
~~waters, it is unlawful, no person may do any of the following:~~

SECTION 60. 30.12 (1) (a) of the statutes is amended to read:

30.12 (1) (a) ~~To deposit~~ Deposit any material or ~~to place~~ any structure upon the
bed of any navigable water where no bulkhead line has been established; ~~or,~~

SECTION 61. 30.12 (1) (b) of the statutes is amended to read:

30.12 (1) (b) ~~To deposit~~ Deposit any material or ~~to place~~ any structure upon the
bed of any navigable water beyond a lawfully established bulkhead line.

SECTION 62. 30.12 (2) of the statutes is repealed and recreated to read:

30.12 (2) PERMITS TO PLACE STRUCTURES OR DEPOSITS IN NAVIGABLE WATERS;
GENERALLY. (a) A riparian owner may apply to the department for a permit that is
required under sub. (1) in order to place a structure for the owner's use or to deposit
any material.

(b) Except for a permit application for a structure or deposit specified in sub.
(3), upon receipt of a complete application, the department shall either deny the
application for the permit as provided in s. 30.246 (1) or shall give notice of receipt
of the application for the permit as provided in s. 30.244.

(c) For structures other than those specified in sub. (3), the department shall
issue a permit if the department finds that all of the following apply:

1. The structure will not materially obstruct navigation.
2. The structure will not be detrimental to the public interest.
3. The structure will not materially reduce the flood flow capacity of a stream.

(d) For deposits of materials other than the deposits specified in sub. (3), the department shall issue a permit if the department finds that all of the following apply:

1. The material will be placed for the purpose of improving habitat or maintaining littoral drift.

2. The material will not materially obstruct navigation.

3. The material will not materially reduce the flood flow capacity of a stream.

4. The deposit of the material will not be detrimental to the public interest.

5. The deposit of the material will promote public rights and interests in navigable waters.

NOTE: Under current law, the DNR does not have general authority to issue a permit under s. 30.12 to “deposit any material”. This section allows the DNR to issue a permit to deposit material upon the bed of a navigable water, but uses a different standard for the DNR to make its determination. This bill adds an additional criterion for approval of a permit to deposit material in navigable waters--the deposit must “promote public rights and interests in navigable waters”.

SECTION 63. 30.12 (3) (a) (intro.) of the statutes is repealed and recreated to read:

30.12 (3) (a) (intro.) Unless the department decides to deny a permit as authorized in par. (b), the department shall issue a permit to a riparian owner to do any of the following:

SECTION 64. 30.12 (3) (a) 6. of the statutes is amended to read:

30.12 (3) (a) 6. Place a permanent boat shelter adjacent to the owner’s property for the purpose of storing or protecting watercraft and associated materials, except that no permit may be ~~granted~~ issued for a permanent boat shelter which is constructed after May 3, 1988, if the property on which the permanent boat shelter is to be located also contains a boathouse within 75 feet of the ordinary high-water

1 mark of if there is a boathouse over navigable waters adjacent to the owner's
2 property.

3 **SECTION 65.** 30.12 (3) (a) 9. of the statutes is created to read:

4 30.12 (3) (a) 9. Place an intake or outfall structure that is less than 6 feet from
5 the water side of the ordinary high-water mark and that is less than 25% of the width
6 of the channel in which it is placed.

7 **SECTION 66.** 30.12 (3) (am) of the statutes is created to read:

8 30.12 (3) (am) The department may promulgate rules that identify deposits or
9 structures, in addition to those listed in par. (a), to which the permitting procedures
10 under this subsection apply.

NOTE: A new "short form" permit is added in new s. 30.12 (4) (a) 10. for intake and
outfall structures.

11 **SECTION 67.** 30.12 (3) (b) of the statutes is repealed and recreated to read:

12 30.12 (3) (b) The department may deny a permit for a structure or deposit
13 specified in par. (a) if the department finds that any of the following applies:

- 14 1. The structure or deposit will materially obstruct navigation.
15 2. The structure or deposit will be detrimental to the public interest.

16 **SECTION 68.** 30.12 (3) (bg) of the statutes is created to read:

17 30.12 (3) (bg) If the department denies a permit under par. (b), the department
18 shall notify the applicant in writing. The procedures under ss. 30.244, 30.245, and
19 30.246 do not apply to a permit application submitted under this subsection.

20 **SECTION 69.** 30.12 (3) (bn) of the statutes is amended to read:

21 30.12 (3) (bn) A riparian owner is exempt from the permit requirements under
22 sub. (2) (1) and this subsection for a structure specified under par. (a) 2m. if the
23 ~~riparian owner places the structure in conformance with the standards established~~

1 ~~under par. (d) and if the riparian owner notifies the department in writing of the~~
2 location of the structure at least 10 working days before it is placed and places the
3 structure in conformity with standards established by the department. The
4 department shall promulgate rules to establish standards governing the placement
5 of structures specified under par. (a) 2m.

6 **SECTION 70.** 30.12 (3) (br) of the statutes is created to read:

7 30.12 (3) (br) The department may promulgate rules that identify structures
8 or deposits, in addition to those structures specified in par. (a) 2m., to which the
9 requirements under sub. (1) do not apply. If the department promulgates such rules,
10 the rules shall include standards and procedures governing the placement of the
11 structures and the depositing of the materials.

12 **SECTION 71.** 30.12 (3) (bt) (intro.) of the statutes is renumbered 30.276 (intro.)
13 and amended to read:

14 **30.276 Seawalls; Wolf River and Fox River basins.** (intro.) A riparian
15 owner is exempt from the permit requirements under sub. (2) ~~and this subsection s.~~
16 30.12 for a structure that is placed on the bed of a navigable water in the Wolf River
17 and Fox River basin area, as described in s. ~~30.207~~ 30.223 (1), and that extends
18 beyond the ordinary high-water mark, if the following conditions apply:

19 **SECTION 72.** 30.12 (3) (bt) 1. to 8. of the statutes are renumbered 30.276 (1) to
20 (8).

21 **SECTION 73.** 30.12 (3) (bt) 9. of the statutes is renumbered 30.276 (9).

22 **SECTION 74.** 30.12 (3) (c) of the statutes is amended to read:

23 30.12 (3) (c) The department may promulgate rules ~~deemed necessary~~ to carry
24 out the purposes of par. (a) 6., including rules to establish minimum standards to
25 govern the architectural features of boat shelters and the number of boat shelters

1 that may be constructed adjacent to a parcel of land. The rules may not govern the
2 aesthetic features or color of boat shelters. The standards shall be designed to assure
3 the structural soundness and durability of a boat shelter. A municipality may enact
4 ordinances not inconsistent with this section or with rules promulgated under this
5 section regulating the architectural features of boat shelters.

6 **SECTION 75.** 30.12 (3) (d) of the statutes is repealed.

7 **SECTION 76.** 30.12 (4) (title) of the statutes is repealed.

8 **SECTION 77.** 30.12 (4) (a) of the statutes is renumbered 30.341 (2) and amended
9 to read:

10 30.341 (2) Activities affecting inland waters ~~of the state as defined in s. 281.01~~
11 ~~(18) or outlying waters~~ that are carried out under the direction and supervision of
12 the department of transportation in connection with highway, bridge, or other
13 transportation project design, location, construction, reconstruction, maintenance,
14 and repair are not subject to the prohibitions or permit or approval requirements
15 specified under ~~this section or s. 29.601, 30.11 30.12, 30.123, 30.19, 30.195, 30.20,~~
16 30.321, 30.343, 59.692, 61.351, 62.231, or 87.30 or chs. 281 to 285 or 289 to 299, except
17 s. 281.48. However, at the earliest practical time prior to the commencement of these
18 activities, the department of transportation shall notify the department of the
19 location, nature, and extent of the proposed work that may affect the inland waters
20 ~~of the state or outlying waters~~.

21 **SECTION 78.** 30.12 (4) (b) of the statutes is renumbered 30.341 (3) and amended
22 to read:

23 30.341 (3) The exemption under ~~par. (a) sub. (2)~~ does not apply unless the
24 activity is accomplished in accordance with interdepartmental liaison procedures

1 established by the department and the department of transportation for the purpose
2 of minimizing the adverse environmental impact, if any, of the activity.

3 **SECTION 79.** 30.12 (4) (c) of the statutes is renumbered 30.341 (4) and amended
4 to read:

5 30.341 (4) If the department determines that there is reasonable cause to
6 believe that an activity being carried out under this ~~subsection~~ section is not in
7 compliance with the environmental protection requirements developed through
8 interdepartmental liaison procedures, it shall notify the department of
9 transportation. If the secretary and the secretary of transportation are unable to
10 agree upon the methods or time schedules to be used to correct the alleged
11 noncompliance, the secretary, notwithstanding the exemption provided in this
12 ~~subsection~~ section, may proceed with enforcement actions as the secretary deems
13 appropriate.

14 **SECTION 80.** 30.12 (4) (d) of the statutes is renumbered 30.341 (5).

15 **SECTION 81.** 30.12 (4) (e) of the statutes is renumbered 30.341 (6) and amended
16 to read:

17 30.341 (6) Except as may be required otherwise under s. 1.11, no public notice
18 or hearing is required in connection with any interdepartmental consultation and
19 cooperation under this ~~subsection~~ section.

20 **SECTION 82.** 30.12 (4) (f) of the statutes is renumbered 30.341 (7) and amended
21 to read:

22 30.341 (7) This ~~subsection~~ section does not apply to activities in the Lower
23 Wisconsin State Riverway, as defined in s. 30.40 (15).

24 **SECTION 83.** 30.12 (4m) of the statutes is renumbered 30.263 (2), and 30.263
25 (2) (intro.), as renumbered, is amended to read:

1 30.263 (2) ~~DUCK CREEK DRAINAGE DISTRICT STRUCTURES~~ STRUCTURES AND
2 DEPOSITS. (intro.) ~~Subsection~~ Section 30.12 (1) does not apply to a structure or deposit
3 that the drainage board for the Duck Creek Drainage District places in a drain that
4 the board operates in the Duck Creek Drainage District if either of the following
5 applies:

6 **SECTION 84.** 30.12 (5) of the statutes is repealed.

7 **SECTION 85.** 30.121 (title) and (2) to (3r) of the statutes are renumbered 30.281
8 (title) and (2) to (3r).

9 **SECTION 86.** 30.121 (4) of the statutes is renumbered 30.281 (4) and amended
10 to read:

11 30.281 (4) MAJOR REPAIR, ABANDONED STRUCTURES AND OBSTRUCTIONS TO
12 NAVIGATION. The owner of a boathouse or a fixed houseboat which extends beyond the
13 ordinary high-water mark of any navigable waterway and which is in a major state
14 of disrepair or is a material obstruction to navigation may be ordered by the
15 department to remove the structure from the waterway. The department shall follow
16 the procedures set forth in s. ~~30.03 (4) (a)~~ 30.96 (1) for ordering removal of a structure.
17 If such a structure is abandoned and the department, after due diligence, cannot
18 locate the owner, the department shall utilize the procedures set forth in s. 31.187
19 (1) for removing the abandoned structure.

20 **SECTION 87.** 30.121 (5) and (6) of the statutes are renumbered 30.281 (5) and
21 (6).

22 **SECTION 88.** 30.121 (7) of the statutes is renumbered 30.381 (2) and amended
23 to read:

24 30.381 (2) ~~PENALTIES~~ BOATHOUSES AND HOUSEBOATS. Any person who constructs,
25 owns, or maintains a boathouse or fixed houseboat in violation of ~~this section~~ s.

1 30.281 or in violation of any order issued under ~~this section~~ s. 30.281 shall forfeit not
2 less than \$10 nor more than \$50 for each offense. Each day during which a structure
3 boathouse or a fixed houseboat exists in violation of ~~this section~~ constitutes s. 30.281
4 is a separate offense.

5 **SECTION 89.** 30.122 of the statutes is renumbered 30.217 and amended to read:

6 **30.217 Unauthorized structures.** All permanent alterations, deposits, or
7 structures affecting navigable waters, other than boathouses, which were
8 constructed before December 9, 1977 and which did not require a permit at the time
9 of construction, shall be presumed in conformity with the law, ~~unless a written~~
10 ~~complaint is filed within 180 days of December 9, 1977.~~ Upon the filing of a
11 complaint, the department shall proceed with an action to enforce the applicable
12 statutes.

NOTE: The time period for filing a written complaint has long since expired, and
has no bearing on current structures.

13 **SECTION 90.** 30.123 (title) of the statutes is repealed and recreated to read:

14 **30.123 (title) Regulation of bridges.**

15 **SECTION 91.** 30.123 (1) of the statutes is renumbered 30.213 (1) and amended
16 to read:

17 **30.213 (1)** Municipalities which construct or reconstruct highway bridges shall
18 not be required to obtain permits under this section or s. ~~30.10 or 30.12~~ or 30.123 for
19 such the construction or reconstruction. All municipal highway bridges shall be
20 constructed or reconstructed in accordance with standards developed under s. 84.01
21 (23).

22 **SECTION 92.** 30.123 (2) of the statutes is amended to read:

1 30.123 (2) ~~Except as provided in sub. (1) and s. 30.12 (4) Unless a permit has~~
2 ~~been issued under sub. (4), no person may construct or maintain a bridge in, on, or~~
3 ~~over navigable waters unless a permit has been issued by the department under this~~
4 ~~section. The application for a permit shall contain the applicant's name and address,~~
5 ~~the proposed location of the bridge, a cross section and plan view of the navigable~~
6 ~~waters and adjacent uplands, a description of materials to be used in construction~~
7 ~~of the bridge, plans for the proposed bridge, evidence of permission to construct the~~
8 ~~bridge from the riparian owners and any other information required by the~~
9 ~~department.~~

10 **SECTION 93.** 30.123 (3) of the statutes is repealed and recreated to read:

11 30.123 (3) For a permit for a bridge crossing a navigable water that is at least
12 35 feet wide, upon receipt of a complete application, the department shall either deny
13 the application for the permit as provided in s. 30.246 (1) or shall give notice of receipt
14 of the application for the permit as provided in s. 30.244. For a permit for a bridge
15 crossing a navigable water that is less than 35 feet wide, the department shall either
16 deny the application as provided in s. 30.246 (1) or shall follow the procedure
17 allowing the department to give notice under s. 30.245.

18 **SECTION 94.** 30.123 (4) of the statutes is amended to read:

19 30.123 (4) ~~The department shall review the plans for the proposed bridge to~~
20 ~~determine whether the proposed bridge will be an obstruction to navigation or will~~
21 ~~adversely affect the flood flow capacity of the stream. The department shall grant~~
22 ~~the issue a permit if the proposed applied for under this section if the department~~
23 ~~finds that the bridge will not materially obstruct navigation, will not materially~~
24 ~~reduce the effective flood flow capacity of a stream or be, and will not be detrimental~~
25 ~~to the public interest.~~

1 **SECTION 95.** 30.123 (5) of the statutes is repealed.

NOTE: This repeals a requirement that bridges constructed over navigable streams be maintained in a safe condition, as determined by the DNR. The DNR does not have the expertise to review bridge safety and maintenance.

2 **SECTION 96.** 30.123 (6) of the statutes is created to read:

3 30.123 (6) Subsections (2) to (4) do not apply to the following:

4 (a) The construction or reconstruction of highway bridges to which s. 30.213
5 applies.

6 (b) The construction, reconstruction, maintenance, or repair of bridges by the
7 department of transportation in accordance with s. 30.341.

8 **SECTION 97.** 30.124 of the statutes is renumbered 30.351, and 30.351 (1)
9 (intro.), as renumbered, is amended to read:

10 30.351 (1) (intro.) Notwithstanding ss. 30.12, 30.20, 30.44, and 30.45, and if the
11 department finds that the activity will not adversely affect the public interest or
12 private rights or interests in fish and wildlife populations, navigation, or waterway
13 flood flow capacity and will not result in environmental pollution, ~~as defined in s.~~
14 ~~299.01 (4),~~ the department may do all of the following on public lands or waters:

15 **SECTION 98.** 30.1255 of the statutes is renumbered 30.352.

16 **SECTION 99.** 30.126 (title) and (2) to (9) of the statutes are renumbered 30.266
17 (title) and (2) to (9), and 30.266 (5) (g), as renumbered, is amended to read:

18 30.266 (5) (g) *May not have improper flotation devices.* No person may
19 construct, place, or maintain a fishing raft on authorized portions of the Wolf River
20 unless each flotation device used on the fishing raft is clean and uncontaminated,
21 properly attached to the fishing raft, and properly maintained in conformity with
22 minimum standards established by the department by rule. The department shall
23 establish minimum standards for the condition, attachment, and maintenance of

1 flotation devices used on fishing rafts. This paragraph applies to any device used to
2 provide flotation for a fishing raft, including each individual barrel or styrofoam
3 coffin.

4 **SECTION 100.** 30.126 (10) (title) and (a) (title) of the statutes are repealed.

5 **SECTION 101.** 30.126 (10) (a) of the statutes is renumbered 30.381 (3) (a) and
6 amended to read:

7 30.381 (3) (a) A person who violates ~~this section, any rule promulgated under~~
8 ~~this section s. 30.266~~ or any order issued by the department under ~~this section s.~~
9 ~~30.266~~ shall forfeit not less than \$10 nor more than \$250 for each offense. Each day
10 of violation constitutes during which a fishing raft exists in violation of s. 30.266 is
11 a separate offense.

12 **SECTION 102.** 30.126 (10) (b) (title) of the statutes is repealed.

13 **SECTION 103.** 30.126 (10) (b) of the statutes is renumbered 30.381 (3) (b) and
14 amended to read:

15 30.381 (3) (b) A person who violates any ordinance adopted or order issued by
16 the municipality under ~~this section s. 30.266~~ is subject to the penalty established by
17 ordinance. A Wolf River municipality may not establish this penalty at a level which
18 is less severe than the penalty established under par. (a).

19 **SECTION 104.** 30.13 (title) and (1) (intro.), (b) and (c) of the statutes are
20 amended to read:

21 **30.13 (title) Regulation of wharves, piers, and swimming rafts;**
22 **~~establishment of pierhead lines.~~** (1) CONSTRUCTION ALLOWED WITHOUT PERMIT
23 UNDER CERTAIN CIRCUMSTANCES. (intro.) A riparian ~~proprietor~~ owner may construct
24 a wharf or pier in a navigable waterway extending beyond the ordinary high-water

1 mark or an established bulkhead line in aid of navigation without obtaining a permit
2 under s. 30.12 if all of the following conditions are met:

3 (b) The wharf or pier does not interfere with rights of other riparian ~~proprietors~~
4 owners.

5 (c) The wharf or pier does not extend beyond any pierhead line which is
6 established under ~~sub. (3)~~ s. 30.323.

7 **SECTION 105.** 30.13 (1m) (intro.) and (b) of the statutes are amended to read:

8 **30.13 (1m)** SWIMMING RAFTS ALLOWED WITHOUT PERMIT UNDER CERTAIN
9 CIRCUMSTANCES. (intro.) A riparian ~~proprietor~~ owner may place a swimming raft in
10 a navigable waterway for swimming and diving purposes without obtaining a permit
11 under s. 30.12 if all of the following conditions are met:

12 (b) The swimming raft does not interfere with rights of other riparian
13 ~~proprietors~~ owners.

14 **SECTION 106.** 30.13 (3) (title) of the statutes is repealed.

15 **SECTION 107.** 30.13 (3) of the statutes is renumbered 30.323 (1), and 30.323 (1)
16 (a), as renumbered, is amended to read:

17 **30.323 (1)** (a) Any municipality authorized by s. ~~30.11~~ 30.321 to establish a
18 bulkhead line may also establish a pierhead line in the same manner as it is
19 authorized to establish a bulkhead line, except that a metes and bounds legal
20 description is not required nor is the map required to be prepared by a registered land
21 surveyor and except that if the municipality has created a board of harbor
22 commissioners the municipality must obtain the approval of the board concerning
23 the establishment of the pierhead line in addition to obtaining the approval of the
24 department.

25 **SECTION 108.** 30.13 (4) (b) of the statutes is amended to read:

1 30.13 (4) (b) *Interferes with riparian rights.* A wharf or pier which interferes
2 with rights of other riparian ~~proprietors~~ owners constitutes an unlawful obstruction
3 of navigable waters unless a permit is issued for the wharf or pier under s. 30.12 or
4 unless authorization for the wharf or pier is expressly provided.

5 **SECTION 109.** 30.13 (4) (c) of the statutes is amended to read:

6 30.13 (4) (c) *Extends beyond pierhead line; exception.* A wharf or pier which
7 extends into navigable waters beyond any pierhead line established under sub. (3)
8 s. 30.323 constitutes an unlawful obstruction of navigable waters unless a valid
9 permit, license, or authorization for the wharf or pier is ~~granted~~ issued or unless it
10 is a permissible preexisting wharf or pier. A wharf or pier is a permissible preexisting
11 wharf or pier if it existed prior to the establishment of the pierhead line, if it is not
12 extended or expanded after that date and if the ownership of the land to which it is
13 attached did not change after that date except that a wharf or pier continues its
14 status as a permissible preexisting wharf or pier for one year after the date the
15 change of ownership is recorded. The seasonal removal of a wharf or pier does not
16 affect its status as a permissible preexisting wharf or pier if it is reestablished in
17 substantially the same form. Status as a permissible preexisting wharf or pier does
18 not imply that authorization for the wharf or pier is provided for the purposes of par.
19 (a) or (b). The owner of a wharf or pier may submit evidence to the municipality that
20 it is a permissible preexisting wharf or pier at any time after the municipality
21 establishes the pierhead line.

22 **SECTION 110.** 30.13 (6) (title) of the statutes is repealed.

23 **SECTION 111.** 30.13 (6) of the statutes is renumbered 30.323 (2).

24 **SECTION 112.** 30.131 of the statutes is renumbered 30.283, and 30.283 (1)
25 (intro.) and (f) and (2), as renumbered, are amended to read:

1 30.283 (1) (intro.) Notwithstanding s. ~~30.133~~ 30.095, a wharf or pier of the type
2 which does not require a permit under ss. 30.12 (1) and 30.13 that abuts riparian land
3 and that is placed in a navigable water by a person other than the owner of the
4 riparian land may not be considered to be an unlawful structure on the grounds that
5 it is not placed and maintained by the owner if all of the following requirements are
6 met:

7 (f) The placement of the wharf or pier complies with the provisions of this
8 ~~chapter, with any rules promulgated under this chapter~~ subchapter and with any
9 applicable municipal regulations or ordinances.

10 (2) Notwithstanding s. ~~30.133~~ 30.095, an easement under sub. (1) may be
11 conveyed if it is conveyed at the same time, and to the same person, that the land to
12 which the easement is appurtenant is conveyed.

13 **SECTION 113.** 30.133 of the statutes is renumbered 30.095.

14 **SECTION 114.** 30.134 of the statutes is renumbered 30.85.

15 **SECTION 115.** 30.135 (1) (title) of the statutes is repealed and recreated to read:

16 30.135 (1) (title) PLACEMENT ALLOWED WITHOUT PERMIT UNDER CERTAIN
17 CIRCUMSTANCES.

18 **SECTION 116.** 30.135 (1) (a) (intro.) and 2. of the statutes are amended to read:

19 30.135 (1) (a) A riparian ~~proprietor~~ owner may place a water ski platform or
20 water ski jump in a navigable waterway without obtaining a permit if all of the
21 following requirements are met:

22 2. The platform or jump does not interfere with rights of other riparian
23 ~~proprietors~~ owners.

24 **SECTION 117.** 30.135 (2) (a) and (4) of the statutes are amended to read:

1 30.135 (2) (a) Upon receipt of a complete permit application, the department
2 shall either order a hearing or provide notice stating that it will proceed on the
3 application without a hearing unless a substantive written objection to issuance of
4 the permit is received within 30 days after publication of the notice. The department
5 shall provide a copy of the notice to the applicant for the permit, ~~the clerk of each~~
6 ~~municipality in which the water ski platform or water ski jump is to be located~~ to each
7 representative of a local governmental unit required to receive notice under s. 30.04
8 (3), and to any other person required by law to receive notice. The department may
9 provide notice to other persons as it considers appropriate. The applicant shall
10 publish the notice as a class 1 notice under ch. 985 in a newspaper designated by the
11 department that is likely to give notice in the area to be affected by the permit. The
12 applicant shall file proof of publication under this paragraph with the department.

13 (4) EXEMPTION. ~~Section 30.02 does~~ The procedures under ss. 30.244, 30.245,
14 and 30.246 do not apply to a permit applications submitted application under this
15 section.

16 **SECTION 118.** 30.14 (title) of the statutes is repealed.

17 **SECTION 119.** 30.14 (1) (title) of the statutes is repealed.

18 **SECTION 120.** 30.14 (1) of the statutes is renumbered 30.327.

19 **SECTION 121.** 30.14 (2) of the statutes is renumbered 30.247 and amended to
20 read:

21 **30.247 Hearings by department.** Upon complaint by any person to the
22 department that any wharf, pier, or other structure exists in navigable water in
23 violation of s. 30.12 ~~or~~, 30.13, or ~~30.207~~ 30.223 or that any wharf, pier, or other
24 structure proposed to be built in navigable water will violate s. 30.12 ~~or~~, 30.13, or
25 ~~30.207~~ 30.223, the department shall investigate and may hold a hearing to

1 determine whether the wharf, pier, or other structure is or would be in violation of
2 those sections. If no hearing is held, the complainant shall be informed of the results
3 of the investigation.

4 **SECTION 122.** 30.15 (title) of the statutes is repealed.

5 **SECTION 123.** 30.15 (1) (title) of the statutes is renumbered 30.98 (1) (title) and
6 amended to read:

7 30.98 (1) (title) OBSTRUCTIONS PENALIZED.

8 **SECTION 124.** 30.15 (1) (intro.) of the statutes is renumbered 30.98 (1) (intro.).

9 **SECTION 125.** 30.15 (1) (a), (b) and (c) of the statutes are renumbered 30.98 (1)
10 (a), (b) and (c) and amended to read:

11 30.98 (1) (a) Unlawfully obstructs any navigable waters water and thereby
12 impairs the free navigation thereof of the navigable water.

13 (b) Unlawfully places in any navigable waters or in any tributary thereof water
14 any substance that may float into and obstruct any such waters navigable water or
15 that may impede their free navigation of any navigable water.

16 (c) Constructs or maintains in any navigable waters, water any boom not
17 authorized by law or aids in the construction or maintenance therein, of any such
18 boom not authorized by law.

19 **SECTION 126.** 30.15 (1) (d) of the statutes is renumbered 30.381 (4) (a) and
20 amended to read:

21 30.381 (4) (a) Constructs Except as provided in par. (b), any person who
22 constructs or places any structure or deposits any material in navigable waters in
23 violation of s. 30.12 ~~or 30.13~~ shall forfeit not less than \$100 nor more than \$500 for
24 each offense. Each day during which a structure or deposit of material exists in
25 violation of s. 30.12 is a separate offense under this paragraph.

1 **SECTION 127.** 30.15 (3) (title) of the statutes is repealed.

2 **SECTION 128.** 30.15 (3) of the statutes is renumbered 30.98 (2).

3 **SECTION 129.** 30.16 of the statutes is renumbered 30.95.

4 **SECTION 130.** 30.18 (1) (intro.) of the statutes is created to read:

5 30.18 (1) DEFINITIONS. (intro.) In this section:

6 **SECTION 131.** 30.18 (1) (b) of the statutes is created to read:

7 30.18 (1) (b) “Major diversion” means a diversion that will result in a water loss
8 averaging, in any 30-day period, at least 2,000,000 gallons per day above a
9 permittee’s authorized base level of water loss.

10 **SECTION 132.** 30.18 (2) (a) (intro.) of the statutes is amended to read:

11 30.18 (2) (a) *Streams Diversions from streams.* (intro.) ~~No~~ Unless a permit has
12 been issued under this section, no person may divert water from a stream ~~in this~~
13 ~~state without a permit under this section if the diversion meets either of the following~~
14 ~~conditions if any of the following applies:~~

15 **SECTION 133.** 30.18 (2) (b) of the statutes is amended to read:

16 30.18 (2) (b) ~~*Streams or*~~ *Major diversions from streams or lakes.* ~~No~~ Unless a
17 permit has been issued under this section, no person, ~~except a person required to~~
18 ~~obtain an approval under s. 281.41, may divert water from any lake or stream in this~~
19 ~~state without a permit under this section if the diversion will result in a water loss~~
20 ~~averaging 2,000,000 gallons per day in any 30-day period above the person’s~~
21 ~~authorized base level of water loss~~ is a major diversion. This paragraph does not
22 apply to a person who is required to obtain an approval under s. 281.41.

23 **SECTION 134.** 30.18 (3) (title) and (a) (title), 1. and 2. of the statutes are
24 repealed.

1 **SECTION 135.** 30.18 (3) (a) 3. of the statutes is renumbered 30.18 (3m) (a) and
2 amended to read:

3 30.18 (3m) (a) ~~For a diversion under sub. (2) (a) 2., the application shall include~~
4 ~~written~~ Written statements of consent to the diversion from all riparian owners who
5 are making beneficial use of the water proposed to be diverted.

6 **SECTION 136.** 30.18 (3) (a) 4. of the statutes is repealed.

7 **SECTION 137.** 30.18 (3) (b) of the statutes is repealed.

8 **SECTION 138.** 30.18 (3m) (intro.) of the statutes is created to read:

9 30.18 (3m) APPLICATIONS FOR PERMITS; SPECIFIC REQUIREMENTS. (intro.) An
10 application for a permit under this section to divert water from a stream for the
11 purpose of agriculture or irrigation shall include all of the following:

12 **SECTION 139.** 30.18 (3m) (b) of the statutes is created to read:

13 30.18 (3m) (b) Evidence of permission or authority to enter any land through
14 which it is proposed to divert the water for the purpose of obtaining information
15 required for drafting the plans for the project.

16 **SECTION 140.** 30.18 (4) (title) of the statutes is repealed and recreated to read:

17 30.18 (4) (title) ACTION BY DEPARTMENT.

18 **SECTION 141.** 30.18 (4) (a) of the statutes is renumbered 30.18 (4) (a) (intro.)
19 and amended to read:

20 30.18 (4) (a) (intro.) Upon receipt of a complete application for a permit under
21 this section, the department shall ~~follow the notice and hearing procedures under s.~~
22 ~~30.02 (3) and (4) either deny the application as provided in s. 30.246 (1) or shall give~~
23 notice of receipt of the application for the permit as provided in s. 30.244. In addition
24 to the notice requirements under s. ~~30.02 (3) and (4) 30.246 (2)~~, the department shall

1 mail a copy of the notice to ~~every person upon whose land any part of the canal or any~~
2 ~~other structure will be located, to the~~ all of the following:

3 2. The clerk of the next town municipality that is the next municipality
4 downstream, to the from the point of the proposed diversion.

5 3. The clerk of any village or city each municipality in which the lake or stream
6 from which water is proposed to be diverted is located and which is adjacent to any
7 municipality in which the diversion will take place ~~and to each.~~

8 4. Each person specified in s. 281.35 (5) (b) or (6) (f), if applicable.

9 SECTION 142. 30.18 (4) (a) 1. of the statutes is created to read:

10 30.18 (4) (a) 1. Each owner of land over which water is proposed to be diverted.

11 SECTION 143. 30.18 (4) (b) of the statutes is amended to read:

12 30.18 (4) (b) If a hearing on the application for a permit under this section is
13 conducted as a part of a hearing under s. 293.43, the notice and hearing provisions
14 in that section supersede the notice, mediation, and hearing provisions of ~~par. (a)~~
15 under ss. 30.244 and 30.246.

16 SECTION 144. 30.18 (5) (title) of the statutes is repealed and recreated to read:

17 30.18 (5) (title) ISSUANCE OF PERMITS.

18 SECTION 145. 30.18 (5) (a) (intro.) of the statutes is amended to read:

19 30.18 (5) (a) ~~Streams~~ Diversions from streams. (intro.) The department shall
20 ~~approve an application for issue~~ a permit required under sub. (2) (a) if the
21 department determines both that all of the following conditions apply:

22 SECTION 146. 30.18 (5) (a) 1. of the statutes is amended to read:

23 30.18 (5) (a) 1. ~~That the~~ The proposed diversion will not ~~injure any public rights~~
24 ~~in navigable waters~~ be detrimental to the public interest.

25 SECTION 147. 30.18 (5) (a) 1m. of the statutes is created to read:

1 30.18 (5) (a) 1m. The proposed diversion is for use on riparian land.

2 **SECTION 148.** 30.18 (5) (a) 2. of the statutes is amended to read:

3 30.18 (5) (a) 2. ~~That the~~ Either the water to be diverted is surplus water, or if
4 ~~it is not surplus water, that all riparians not being beneficially used or all riparian~~
5 ~~owners~~ who may be adversely affected by the diversion have consented to the
6 proposed diversion.

7 **SECTION 149.** 30.18 (5) (b) of the statutes is amended to read:

8 30.18 (5) (b) ~~*Streams*~~ *Major diversions from streams or lakes.* The department
9 shall ~~approve an application for~~ issue a permit required under sub. (2) (b) for a major
10 diversion if the grounds for approval specified under s. 281.35 (5) (d) are met and, if
11 ~~the.~~ If a permit is also required under sub. (2) (a), if the department ~~makes the~~
12 ~~determinations specified under par. (a)~~ shall issue a permit under this paragraph
13 only if the conditions for a permit under par. (a) apply to the major diversion.

14 **SECTION 150.** 30.18 (6) (title) of the statutes is amended to read:

15 30.18 (6) (title) ~~PERMITS; USE OF WATER~~ PERMIT CONDITIONS; REPORTING; REVIEW.

16 **SECTION 151.** 30.18 (6) (a) of the statutes is amended to read:

17 30.18 (6) (a) *Contents of permit.* The department shall specify on each permit
18 issued under this section the quantity of water that may be diverted and the times
19 during which water may be diverted. In addition, if the permit is one which is
20 required under sub. (2) (b) for a major diversion, the permit shall comply with s.
21 281.35 (6).

22 **SECTION 152.** 30.18 (6) (b) of the statutes is renumbered 30.18 (6) (dm) and
23 amended to read:

24 30.18 (6) (dm) *Use of water.* A person who is issued a permit for the purpose
25 of irrigation or agriculture may use the water on any land contiguous to the

1 permittee's riparian land, but may not withdraw more water than it ~~did the~~
2 ~~permittee withdrew~~ before August 1, 1957, ~~without applying to the department for~~
3 ~~a modification of the permit unless the department approves the additional amount~~
4 ~~to be withdrawn by modifying the permittee's permit.~~

5 SECTION 153. 30.18 (6) (c) of the statutes is renumbered 30.18 (6) (bm) and
6 amended to read:

7 30.18 (6) (bm) *Reporting required.* ~~The department shall require each~~
8 ~~permittee~~ A person who is issued a permit under this section to report its ~~shall report~~
9 ~~to the department the~~ volume and rate of withdrawal and its volume and rate of
10 water loss, if any. The report shall be in the form and at the times specified by the
11 department.

12 SECTION 154. 30.18 (6) (cm) 3. of the statutes is created to read:

13 30.18 (6) (cm) 3. A permit issued under this section before August 1, 1957, is
14 exempt from the review requirements under subds. 1. and 2.

15 SECTION 155. 30.18 (6) (d) (title) of the statutes is renumbered 30.18 (6) (cm)
16 (title).

17 SECTION 156. 30.18 (6) (d) of the statutes is renumbered 30.18 (6) (cm) 1. and
18 amended to read:

19 30.18 (6) (cm) 1. ~~If the permit is one that is required under sub. (2) (a), but not~~
20 ~~under sub. (2) (b), and the permit was issued on or after August 1, 1957, Except as~~
21 provided in subds. 2. and 3. the department shall review the permit at least once
22 every 5 years.

23 2. If the permit is one that is required under sub. (2) (b) for a major diversion,
24 the department shall review the permit as required under s. 281.35 (6) (b).

25 SECTION 157. 30.18 (6m) (title) of the statutes is repealed and recreated to read:

1 30.18 (6m) (title) RESCISSION.

2 **SECTION 158.** 30.18 (6m) (a) (intro.) of the statutes is amended to read:

3 30.18 (6m) (a) Streams; mandatory rescission. (intro.) The department shall
4 revoke rescind a permit issued under sub. (5) (a), which is not subject to sub. (2) (b),
5 if it a permit for a major diversion, if the department finds that any of the following
6 applies:

7 **SECTION 159.** 30.18 (6m) (a) 1. and 2. of the statutes are amended to read:

8 30.18 (6m) (a) 1. ~~That the~~ The water being diverted is ~~no longer surplus water,~~
9 ~~except that the department may allow the diversion to continue if all riparians has~~
10 ~~become water that is being beneficially used, unless all riparian owners~~ adversely
11 affected by the diversion continue to consent to it.

12 2. If the diversion is from a stream designated by the department as a trout
13 stream, ~~that the revocation~~ the rescission is desirable for conservation purposes.

14 **SECTION 160.** 30.18 (6m) (b) of the statutes is amended to read:

15 30.18 (6m) (b) Streams; discretionary rescission. The department may ~~revoke~~
16 ~~rescind~~ any permit issued under sub. (5) (a), which is not subject to sub. (2) (b), if it
17 a permit for a major diversion, if the department finds that the diversion is
18 detrimental to the stream from which the water is diverted.

19 **SECTION 161.** 30.18 (6m) (c) of the statutes is amended to read:

20 30.18 (6m) (c) Major diversion. The department may ~~revoke a~~ rescind any
21 permit issued under sub. (5) (b) for a major diversion only as provided under s. 281.35
22 (6).

23 **SECTION 162.** 30.18 (7) of the statutes is amended to read:

24 30.18 (7) PREREQUISITES TO PROJECT CONSTRUCTION WORK. ~~After an application~~
25 ~~under this section has been filed with the department, the applicant may enter any~~

1 land through which it is proposed to divert the water for the purposes of making any
2 surveys required for drafting the plans for the project, but no work shall Work may
3 not be commenced on the canal, headworks, or other structures necessary for the
4 project for which a permit has been issued under this section until the plans for the
5 same canal, headworks, or other structures have been approved by the department.
6 Any person having received who has been issued a permit required under sub. (2) (a)
7 for a diversion that is not a major diversion may ~~construct~~ commence the work upon
8 the land of another ~~the canal and other works~~ as authorized by the permit only after
9 the damage ~~which will be sustained by the owner or owners of such~~ of that land has
10 been satisfied, ~~or has been determined as provided for in ch. 32, and~~ compensated for
11 any damages that the owner will incur as a result of the work or after the final sum
12 so for condemnation of the property under ch. 32 has been determined and all costs
13 have been paid to the persons entitled thereto owner or to the clerk of the circuit court
14 on their the owner's account.

NOTE: Current s. 30.18 (7) allows the applicant to “enter any land through which it is proposed to divert water”, after the permit application is filed, to conduct surveys. This provision is deleted, and replaced by a requirement in new s. 30.18 (3m) (a) for the applicant to obtain permission or authority to enter the land.

15 **SECTION 163.** 30.18 (8) of the statutes is renumbered 30.353.

16 **SECTION 164.** 30.18 (9) of the statutes is repealed.

17 **SECTION 165.** 30.19 (1) (intro.) of the statutes is renumbered 30.19 (1g) (intro.)
18 and amended to read:

19 30.19 (1g) PERMITS REQUIRED. (intro.) Unless a permit has been granted by the
20 department issued under this section or authorization has been granted by the
21 legislature, it is unlawful no person may do any of the following:

22 **SECTION 166.** 30.19 (1) (a) of the statutes is renumbered 30.19 (1g) (a) and
23 amended to read:

1 30.19 (1g) (a) ~~To construct~~ Construct, dredge, or enlarge any artificial
2 waterway, canal, channel, ditch, lagoon, pond, lake or similar waterway where the
3 purpose is ultimate connection with an existing navigable stream, lake or other
4 navigable waters, or where water body that connects with a navigable waterway.

5 (am) Construct, dredge, or enlarge any part of the an artificial waterway water
6 body that is located within 500 feet of the ordinary high-water mark of an existing
7 navigable stream, lake or other navigable waters waterway.

8 **SECTION 167.** 30.19 (1) (b) of the statutes is renumbered 30.19 (1g) (b) and
9 amended to read:

10 30.19 (1g) (b) ~~To connect any natural or artificially constructed~~ Connect, by a
11 navigable surface channel, any navigable waterway, canal, channel, ditch, lagoon,
12 pond, lake or similar waterway or any artificial water body with an existing body of
13 a navigable water, for navigation or any other purpose waterway.

14 **SECTION 168.** 30.19 (1) (c) of the statutes is renumbered 30.19 (1g) (c) and
15 amended to read:

16 30.19 (1g) (c) ~~To grade or otherwise~~ Grade or remove top soil topsoil from the
17 bank of any navigable stream, lake or other body of navigable water waterway where
18 the area exposed by ~~such~~ the grading or removal will exceed 10,000 square feet.

19 **SECTION 169.** 30.19 (1b) of the statutes is created to read:

20 30.19 (1b) DEFINITION. In the section, “artificial water body” means a proposed
21 or existing body of water that does not have a history of being a lake or stream or of
22 being part of a lake or stream.

23 **SECTION 170.** 30.19 (1m) (intro.) of the statutes is amended to read:

24 30.19 (1m) ~~EXCEPTION.~~ EXCEPTIONS. (intro.) Subsection ~~(1)~~ (1g) does not apply
25 to any of the following:

1 **SECTION 171.** 30.19 (1m) (a) of the statutes is amended to read:

2 30.19 (1m) (a) The construction and or repair of any public highways highway.

3 **SECTION 172.** 30.19 (1m) (b) of the statutes is amended to read:

4 30.19 (1m) (b) Any agricultural uses use of land.

5 **SECTION 173.** 30.19 (1m) (c) and (d) of the statutes are repealed.

NOTE: Current s. 30.19, which requires a permit for enlargement and protection of waterways, contains an exception for navigable lakes and streams and any portion of Lake Michigan within Milwaukee County. This exception is not included in this bill so that s. 30.19 will apply uniformly to all navigable waters. However, current s. 30.05 (renumbered s. 30.223) continues to apply where lake bed grants have been made.

6 **SECTION 174.** 30.19 (1m) (e) of the statutes is amended to read:

7 30.19 (1m) (e) Any work required to maintain the original dimensions of an
8 enlargement of ~~a waterway authorized~~ an artificial water body done pursuant to a
9 permit or legislative authorization under sub. ~~(1) (a) or (b)~~ (1g) (a) or (am).

10 **SECTION 175.** 30.19 (1m) (f) of the statutes is created to read:

11 30.19 (1m) (f) Any work required to maintain any water body that serves as
12 a connection under sub. (1g) (b).

13 **SECTION 176.** 30.19 (2) (intro.) and (a) to (d) of the statutes are repealed.

14 **SECTION 177.** 30.19 (2) (e) of the statutes is renumbered 30.19 (3b) (b) and
15 amended to read:

16 30.19 (3b) (b) ~~The name and address of the~~ secretary of any property owners'
17 association ~~pertaining~~ formed with respect to the bodies of water affected by the
18 project ~~or if there is no such association, the names and addresses of.~~ If no property
19 owners' association exists, the department shall give notice to at least 5 persons who
20 own real property located adjacent to the bodies of water. If fewer than 5 persons own
21 real property located adjacent to the bodies of water, ~~the names and addresses of such~~

1 ~~persons that own real estate so located shall be given~~ department shall give notice
2 to all of these persons.

3 **SECTION 178.** 30.19 (2) (f) of the statutes is repealed.

4 **SECTION 179.** 30.19 (3) (title) of the statutes is repealed.

5 **SECTION 180.** 30.19 (3) (a) of the statutes is renumbered 30.19 (3b) (a) and
6 amended to read:

7 30.19 (3b) (a) ~~Section 30.02 (3) and (4) applies to permit applications under sub.~~
8 ~~(1) (b) and (e). Notice shall be provided to the clerks of the county and~~ The clerk of
9 each municipality in which the project or affected body of water is located ~~and to the~~
10 ~~persons under sub. (2) (e). For any permit application which affects the.~~

11 (c) The Milwaukee Metropolitan Sewerage District for a project that would
12 affect the Milwaukee River, the Menomonee River, the Kinnickinnic River, the Root
13 River or any tributary of those rivers, ~~special notice shall be given to the Milwaukee~~
14 ~~metropolitan sewerage district. The metropolitan sewerage district shall have 30~~
15 ~~days to respond to the special notice.~~

16 **SECTION 181.** 30.19 (3) (b) of the statutes is repealed.

17 **SECTION 182.** 30.19 (3b) (intro.) of the statutes is created to read:

18 30.19 (3b) ACTION BY DEPARTMENT. (intro.) Upon receipt of a complete
19 application for a permit under sub. (1g), the department shall follow the procedure
20 allowing the department to give notice under s. 30.245 or shall deny the application
21 as provided in s. 30.246 (1). Upon receipt of a complete application for a permit under
22 sub. (1g) (b) or (c) for a project in which there is or will be an effect on navigable waters
23 other than an effect on water quality, the department shall give notice of receipt of
24 the application as provided in s. 30.244 or shall deny the application as provided in

s. 30.246 (1). In addition to the notice requirements under s. 30.246 (2), the department shall give notice to all of the following:

NOTE: This provision continues the applicability of notice and hearing provisions only to permit applications under sub. (2) (b) and (c). Under the current statute, the notice and hearing is not required for dredging artificial water bodies for the purpose of connection to a navigable waterway or where part of the artificial water body is within 500 feet of the ordinary high-water mark of the navigable waterway. In addition, an exemption from the notice and hearing is provided for grading or removing topsoil from the bank of navigable waters where the only effect is on water quality. This exemption allows DNR to develop a "short form" permit for grading or removing topsoil from the bank where advance notice is given to the department and the work conforms to rules of the department that describe methods for such work.

SECTION 183. 30.19 (4) of the statutes is renumbered 30.19 (4) (intro.) and amended to read:

30.19 (4) ISSUANCE OF PERMIT. (intro.) ~~If the department finds that the project will not injure public rights or interest, including fish and game habitat, that the~~ The department shall issue a permit under this section if the department determines that all of the following apply:

(b) ~~The project will not cause environmental pollution as defined in s. 299.01 (4), that any.~~

(c) ~~Any enlargement connected to a navigable waterways conforms to the requirement of waterway complies with all of the laws for the relating to platting of land and for sanitation and that no.~~

(d) ~~No material injury will result to the rights of any riparian owners on any body of water affected will result, the department shall issue a permit authorizing the enlargement of the affected waterways of real property that abuts any water body that is affected by the project.~~

SECTION 184. 30.19 (4) (a) of the statutes is created to read:

30.19 (4) (a) The project will not be detrimental to the public interest.

SECTION 185. 30.19 (5) of the statutes is amended to read: